

CHAPTER NO. 46

HOUSE BILL NO. 2001

By Representative McDaniel

Substituted for: Senate Bill No. 1969

By Senator Wilder

AN ACT to amend the Charter of the City of Henderson, being Chapter 198 of the Acts of 1901; as amended by Chapter 225 of the Acts of 1903; Chapter 327 of the Acts of 1905; Chapter 876 of the Private Acts of 1921; Chapter 662 of the Private Acts of 1923; Chapter 631 of the Private Acts of 1925; Chapter 218 of the Private Acts of 1927; Chapter 588 of the Private Acts of 1933; Chapter 446 of the Private Acts of 1937; Chapter 447 of the Private Acts of 1937; Chapter 340 of the Private Acts of 1941; Chapter 129 of the Private Acts of 1945; Chapter 664 of the Private Acts of 1949; Chapter 67 of the Private Acts of 1969; Chapter 352 of the Private Acts of 1974; Chapter 72 of the Private Acts of 1977; Chapter 148 of the Private Acts of 1979; Chapter 381 of the Private Acts of 1982; Chapter 135 of the Private Acts of 1983; Chapter 151 of the Private Acts of 1988; Chapter 2 of the Private Acts of 1989; Chapter 13 of the Private Acts of 1989; Chapter 14 of the Private Acts of 1989; Chapter 108 of the Private Acts of 1989; Chapter 117 of the Private Acts of 1995; and all other acts amendatory thereto; and to repeal Chapter 36 of the Private Acts of 1913; Chapter 662 of the Private Acts of 1923; Chapter 218 of the Private Acts of 1927; and Chapter 446 of the Private Acts of 1937.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 198 of the Acts of 1901, as amended by Chapter 225 of the Acts of 1903; Chapter 327 of the Acts of 1905; Chapter 876 of the Private Acts of 1921; Chapter 662 of the Private Acts of 1923; Chapter 631 of the Private Acts of 1925; Chapter 218 of the Private Acts of 1927; Chapter 588 of the Private Acts of 1933; Chapter 446 of the Private Acts of 1937; Chapter 447 of the Private Acts of 1937; Chapter 340 of the Private Acts of 1941; Chapter 129 of the Private Acts of 1945; Chapter 664 of the Private Acts of 1949; Chapter 67 of the Private Acts of 1969; Chapter 352 of the Private Acts of 1974; Chapter 72 of the Private Acts of 1977; Chapter 148 of the Private Acts of 1979; Chapter 381 of the Private Acts of 1982; Chapter 135 of the Private Acts of 1983; Chapter 151 of the Private Acts of 1988; Chapter 2 of the Private Acts of 1989; Chapter 13 of the Private Acts of 1989; Chapter 14 of the Private Acts of 1989; Chapter 108 of the Private Acts of 1989; Chapter 117 of the Private Acts of 1995; and all other acts amendatory thereto, being the Charter of the City of Henderson, is amended by deleting the word "town" wherever it appears and by substituting instead the word "city".

SECTION 2. Chapter 198 of the Acts of 1901, as amended, being the Charter of the City of Henderson, is further amended by deleting the language of Section 3 and by substituting instead the following.

SECTION 3. Be it further enacted, That the officers of the City of Henderson are to be elected by the qualified voters of the city and shall be a Mayor and six (6) Aldermen and they shall constitute the City Board. The Mayor and Aldermen shall all be citizens and qualified voters of said city and shall hold their offices until their successors are elected, qualified and sworn into office. Beginning with the election held on the first Thursday in August of 2002, in conjunction with the General Primary election of the State of Tennessee, three (3) Aldermen shall be elected to take office on the first Monday of October 2002

for a term that lasts until the first Monday of September of 2006. Thereafter, their successors shall take office on the first Monday of September following their election for a term of four (4) years. Beginning with the election held on the first Thursday in August of 2004, in conjunction with the General Primary election of the State of Tennessee, three (3) Aldermen and a Mayor shall be elected to take office on the first Monday of October 2004 for a term that lasts until the first Monday of September of 2008. Thereafter their successors shall take office on the first Monday of September following their election for a term of four (4) years. The City municipal election shall be held in accordance with the provisions of the election laws of the State.

The Board of Mayor and Aldermen shall appoint a City Attorney, City Recorder, Chief of Police, Fire Chief, Public Works Director, Utility Director and Building Official, who shall serve at the pleasure of the Board.

SECTION 3. Chapter 198 of the Acts of 1901, as amended, is further amended by deleting from Section 4 the words "City Attorney".

SECTION 4. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 5 as follows:

(a) By deleting the final sentence of the first paragraph and by substituting instead the following:

The Vice-Mayor, upon assuming the office of Mayor, shall have all powers and duties of the Mayor, until a new Mayor is elected or appointed and assumes the position of Mayor.

(b) By deleting the third paragraph and by substituting instead the following:

The Mayor shall receive a salary that from time to time be set by the Board of Aldermen. Each Alderman shall receive three hundred fifty dollars (\$350) per month, beginning in September 2004.

SECTION 5. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 6 by deleting the final sentence which reads as follows:

No person shall be eligible to hold the position of Chief of Police, Fire Chief, City Recorder, or any other Superintendent of a city department or division, unless the person is a resident of Chester County.

SECTION 6. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 7 by deleting from the second sentence the words "of the above named offenses" and by substituting instead the following words:

any malfeasance, misfeasance or nonfeasance of office

SECTION 7. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 8, by deleting the language of the 10th item and by substituting instead the following:

10th. To license, regulate and tax all businesses and all privileges taxable by the State."

SECTION 8. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 8 by deleting from the 20th item the words "by ordinance".

SECTION 9. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 8 by deleting from the 23rd item the words and punctuation "As used in this act unless the context otherwise requires:" and by substituting instead the following:

Room Occupancy Tax. As used in this subsection unless the context otherwise requires:

SECTION 10. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 8 by adding the following language as a new, appropriately numbered item.

24th. The Board of Mayor and Aldermen may own and operate, or cause to be operated, water, wastewater and natural gas systems and shall establish rates adequate to the self-sufficiency of the individual systems. Such rates may be established by ordinance or resolution, and shall be adjusted from time to time to ensure that there shall be no deficit in any of these systems.

SECTION 11. Chapter 198 of the Acts of 1901, as amended, is further amended by deleting Section 8A in its entirety.

SECTION 12. Chapter 198 of the Acts of 1901, as amended, is further amended by deleting the language of Section 9 and by substituting instead the following:

SECTION 9. Be it further enacted, That it shall be the duty of the Mayor to carefully examine all resolutions, ordinances and any other writings passed by the Board. Should any such resolution, ordinance or writing not meet with his approval, the same shall be returned at the next regular meeting of the Board with the objections thereto in writing. No action so vetoed shall go into effect unless the same be again passed by a majority of the entire Board. No ordinance shall become law unless the same shall have passed two readings by majority vote and been signed by the Mayor unless returned by veto at the next regular meeting. Both readings may be made at the same meeting by unanimous vote of the Board with no members absent or by readings at two regular consecutive meetings or at a special called meeting prior to the second consecutive regular meeting.

The Mayor may make temporary appointments to fill temporary vacancies, subject to the approval of the Board at its next regular meeting; he shall likewise have the power to make special deputation to increase temporarily the police force when in his judgment the good of the City requires it.

A special called meeting may be called by the Mayor, or by any three Aldermen, and he or they shall state to the Board in writing the purpose of such meeting, which, together with the action of the Board, shall be spread on the minutes of the regular minute book. The Mayor shall take care that all ordinances are duly enforced and observed, and perform other duties such as may by ordinance of the Board be required of him.

SECTION 13. Chapter 198 of the Acts of 1901, as amended, is further amended by deleting the language of Section 10 and by substituting instead the following:

SECTION 10. Be it further enacted, That the Mayor shall try all offenses created by this act or any lawful ordinance of said City, and impose penalties, and enforce the collection and payment of the same. In case the Mayor is incompetent to try such offenders or is sick or absent, the Recorder shall try such cases and perform all duties of the Mayor under this section, and they shall be

entitled to a salary for this service, which shall be set by the Board by resolution from time to time.

SECTION 14. Chapter 198 of the Acts of 1901, as amended, is further amended in Section 12 by deleting the second paragraph and by substituting instead the following:

The City Attorney shall receive compensation and fees as may from time to time be adjusted and approved by the Board.

SECTION 15. Chapter 198 of the Acts of 1901, as amended, is further amended by deleting the language of Section 14 and by substituting instead the following:

SECTION 14. Be it further enacted, That all persons entitled to vote for members of the General Assembly under the laws of the State of Tennessee, and who are actual bona fide residents of the City of Henderson, shall be entitled to vote in municipal elections.

Persons owning at least a fifty percent (50%) fee simple interest in real property within the city limits which is large enough to erect thereupon a dwelling or commercial building, as defined in the rules and regulations of the Henderson Zoning Ordinance, and who reside outside the city limits but who are bona fide residents of the County of Chester and who are otherwise eligible to vote for members of the Tennessee General Assembly, may register and vote in city elections. No more than two (2) such voters are allowed per tract or parcel of land. The Board of Aldermen shall from time to time prescribe in writing the rules for application, registration and voting of non-resident property owners to the County Election Commission.

SECTION 16. Chapter 198 of the Acts of 1901, as amended, is further amended by deleting the language of Section 15 and by substituting instead the following:

SECTION 15. Be it further enacted, That when any tax shall be levied or imposed by the said corporation upon any real estate lying within said City of Henderson, and the owner or owners thereof shall not pay the same, it shall be the duty of the Mayor and/or Recorder, by and with the advice and consent of the Board of Aldermen, to take steps for the collection of said taxes as are or may be provided by the laws of the State for their collection.

All real estate and personal property taxes levied and assessed by said city shall become due the first day of October in the year for which they are levied and assessed, and shall become delinquent the first day of March in the year following, and the City Recorder is authorized and empowered to collect penalty and interest as allowed by state law each month or fraction thereof on the amount of taxes so delinquent.

SECTION 17. Chapter 36 of the Private Acts of 1913, Chapter 662 of the Private Acts of 1923, Chapter 218 of the Private Acts of 1927, and Chapter 446 of the Private Acts of 1937 are hereby repealed.

SECTION 18. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of City of Henderson. Its approval or nonapproval shall be proclaimed by the presiding officer of and certified to the secretary of state.


SECTION 19. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 18.

PASSED: May 24, 2001


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2001


DON SUNDQUIST, GOVERNOR